

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARTOR KIKI BROWN,

Plaintiff,

v.

WAXFORD, *et al.*,

Defendants.

No. 3:19-CV-00839

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of July 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 85) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part and **DENIED** in part, as follows:
  - a. Defendants' motion is **GRANTED** as to Brown's Eighth Amendment conditions-of-confinement claim against defendants Price and Emigh. The motion is **DENIED** as to Brown's Eighth Amendment conditions-of-confinement claim against defendants Plocinik, Weyant, Franks, Kendrick, Kirsch, Grove, and Kauffman.
  - b. Defendants' motion is **GRANTED** as to Brown's Eighth Amendment claim of deliberate indifference to serious medical needs as to all Defendants.
  - c. Defendants' motion is **GRANTED** as to Brown's First Amendment retaliation claims against defendants Weyant, Franks, Kendrick, Kirsch, Grove, Kauffman, Price, and Emigh. The motion is **DENIED** as to Brown's First Amendment retaliation claim against defendant Plocinik.

- d. Defendants' motion is **GRANTED** as to Brown's official capacity claims against all Defendants.
  - e. Defendants' motion is **GRANTED** as to Brown's state-law claims of intentional infliction of emotional distress as to defendants Price and Emigh. The motion is **DENIED** as to Brown's state-law claims of intentional infliction of emotional distress as to defendants Plocinik, Weyant, Franks, Kendrick, Kirsch, Grove, and Kauffman.
  - f. Defendants' motion is **DENIED** as to Brown's state-law claims of negligence as to all Defendants.
- 2. Entry of judgment in accordance with paragraph one above shall be deferred pending resolution of Brown's remaining claims.
  - 3. Brown is hereby given notice that he must comply with Pennsylvania Rule of Civil Procedure 1042.3 within 30 days of the date of this Order or summary judgment will be granted on his professional negligence claims against Price and Emigh.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge